

Appendix

I. Authority and Legal Compliance

1. National Environmental Policy Act of 1969 (NEPA). The purposes of the NEPA are to: declare a national policy which will encourage productive and enjoyable harmony between man and his environment; promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; enrich the understanding of the ecological systems and natural resources important to the Nation; and establish a Council on Environmental Quality.

2. The Endangered Species Act of 1973, as amended. This Act ensures that projects not affect the continued existence of any endangered or threatened species in the project area or result in destruction or adverse modification of their critical habitats.

3. Executive Order 11988. E.O. 11988 directs Federal agencies to (1) avoid development in the floodplain unless it is the only practical alternative, (2) reduce the hazards and risks associated with floods, (3) minimize the impact of floods on human safety, health, and welfare, and (4) restore and preserve the natural and beneficial values of the floodplain.

4. Executive Order 11990. E.O. 11990 directs Federal agencies to (1) minimize destruction, loss, or degradation of wetlands and (2) preserve and enhance the natural and beneficial values of wetlands when a practicable alternative exists.

5. Executive Order 12372 (Intergovernmental Review of Federal Programs). In compliance, the Service will send copies of the Environmental Assessment to Iowa State Planning Agencies for review.

6. The Archeological Resources Protection Act of 1979. Section 14 of the Archaeological Resources Protection Act of 1979 also requires an inventory program of all Federal lands. This Act expands upon the Antiquities Act to protect all archeological sites more than 100 years old on Federal land, and to ensure that archeological investigations on Federal land are performed in the public interest by qualified persons.

7. Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970, as amended. This Act provides for uniform and equitable treatment of persons who sell their homes, businesses, or farms to the Service. The Act requires that any purchase offer be no less than the fair market value of the property.

8. The National Historic Preservation Act of 1966, as amended; Executive Order 11593 (Protection and Enhancement of the Cultural Environment); and Title 36, Code of Federal Regulations, Part 800 (Protection of Historic Properties). Section 106 of the National Historic Preservation Act of 1966 requires Federal agencies to consider the effects of their undertaking on properties meeting criteria for the National Register of Historic Places. The regulations in 36 CFR Part 800 describe how Federal agencies are to identify historic properties, determine effect on significant historic properties, and mitigate adverse effects. Section 110 of the 1966 Act codifies the salient elements from E.O. 11593, "to ensure that historic preservation is fully integrated into ongoing programs and missions of Federal agencies." Section 110 also requires each Federal agency to establish a program leading to inventory of all historic properties on its lands.

9. The Native American Graves Protection and Repatriation Act of 1990. Directs Federal agencies to protect Native American human remains and associated burial items located on or removed from Federal land.

10. Federal Farmland Protection Policy Act of 1981, as amended.

11. Clean Water Act (Section 401 and 404).

12. Rivers and Harbor Act (Section 10 of 1899). Section 10 of this Act regulates the placement of fill in navigable waters of the United States.

13. Refuge Revenue Sharing Act of 1935, as amended. This act requires revenue sharing provisions to all fee-title ownerships that are administered solely or primarily by the Secretary through the Service.

14. Migratory Bird Conservation Act of 1929, as amended.

II. Federal State, Local, and Private Restoration and Preservation Mechanisms

FEDERAL MECHANISMS

Wetland Reserve Program (WRP) - U.S. Department of Agriculture (USDA). The 1996 reauthorization of the Farm Bill reestablished a Wetlands Reserve Program that provides financial incentives for restoration and protection of up to 975,000 acres through long-term agreements. Easements are for 30 years or more, depending on the maximum amount of time allowed by state law, and provide landowners with 75 percent to 100 percent cost-sharing for permanent easements, 50 percent to 75 percent for 30 year easements, and 50 to 75 percent for restoration cost-sharing agreements.

Conservation Reserve Program (CRP) - U.S. Department of Agriculture (USDA). Pursuant to the Conservation Title of the Food Security Act of 1985 (Farm Bill) and expanded in the 1996 version of that bill, the program sponsors activities designed to provide protection of soil and water quality through direct payments to farmers for retiring eligible cropland and environmentally sensitive lands for a period of 10 years. Natural resource benefits from the CRP include reduced erosion, improved water quality, and soil productivity benefits. According to Ribaud et al 1989, water quality benefits from CRP lands are seven times that of traditional soil conservation programs and are estimated at \$79 per acre, while soil productivity benefits are estimated at \$36 per acre. The program encourages protection of highly erodible uplands and filter strips along wetlands, which can reduce pesticide and sediment runoff into wetlands.

Environmental Quality Incentives - U.S. Department of Agriculture (USDA). This program is a new program which combines the functions of the Agricultural Conservation Program, Water Quality Incentives Program, Great Plains Conservation Program, and the Colorado River Basin Salinity Control Program. EQIP is funded at \$130 million in FY 1996 and \$200 million annually thereafter. Livestock-related conservation practices will receive 50 percent of program funding. The program provides cost-sharing to farmers of up to 75 percent of the cost of conservation practices. There is a maximum payment to any one person of \$10,000 annually, and to \$50,000 for the life of the contract. These cost-shared practices include a variety of tools designed to encourage the establishment of long-lasting conservation practices that will conserve our soil, water, forest, and wildlife resources.

FmHA Wetland-Related Programs - U.S. Department of Agriculture, Farmers Home Administration. Building on an earlier program prompted by E.O. 11990, the 1990 Farm Bill requires the USDA to establish perpetual conservation easements on wetlands in the FmHA inventory of foreclosed farmland. The act also allows for cancellation of debt in exchange for conservation easements on wetlands.

Set-aside Programs - Farmers participating in Federal price support programs have been required to set aside a certain percentage of their base acreage in most years. Conservation measures are required to provide soil erosion protection, water quality enhancement, wildlife production, and natural beauty. Millions of acres of cropland are retired each year as a result of this program often benefiting numerous wildlife.

Partners for Wildlife Program - U.S. Department of Interior, Fish and Wildlife Service. Drawing on several legal authorities, the FWS has focused considerable effort for the past few years on encouraging and assisting private landowners restore converted and degraded wetlands and associated upland habitats. The Service provides technical assistance and cost-sharing to complete the work if the landowner agrees to maintain the area for a period of 10 years or more. The program focuses on restoring and enhancing habitats that provide wildlife, fisheries, water quality, aesthetic, and recreation benefits. Union Slough Refuge has an active Private Lands/Farm Bill program in the 26 county area surrounding the Refuge and has restored 521 wetland basins totaling 1,824 acres since 1987. Participation in this program is strictly voluntary.

The Small Wetlands Acquisition Program (SWAP) - U.S. Department of Interior, Fish and Wildlife Service (FWS). Under this program the FWS can either purchase a wetland and surrounding upland area outright, or enter into a perpetual easement agreement which places restrictions on the wetland. When purchasing a wetlands area, the FWS generally seeks to obtain a ratio of 3:1 upland to wetland. In the case of an easement, the landowner gives up the right to burn, fill, drain, or level the wetland. Easement payments are made on a one time, lump sum basis, with the payment varying according to land values in the immediate area and the development potential of the wetlands. The following table discusses some of the types of acquisition the Service can use. A detailed description of each mechanism follows.

Fee Title -	the acquisition of all land ownership rights
Conservation Easements -	the acquisition of part of the surface land ownership rights. Such easements are usually perpetual.
Jurisdictional Transfer -	the transfer of surface management from one Federal agency to another.
Cooperative Agreement -	short term agreements with landowners to accomplish specific management objectives.
Lease -	short term or long term "rental" of land for management. This usually includes periodic payments to the landowner.
Donation -	gift of land or interest in land without monetary reimbursement.

Conservation Easements involves the acquisition of certain rights that can be of value for the purpose of achieving fish and wildlife habitat objectives (usually prohibiting or encouraging certain practices (right to drain a wetland or delay haying harvest). Easements become part of the title to the property and are usually permanent. If a landowner sells his property, the easement continues as part of the title.

Lease agreements are short-term agreements for full or specified use of the land in return for a annual rental payment which generally includes occupancy rights. For example, the Service could lease 40 acres of grassland habitat to provide safe nesting for ground nesting birds. The landowner would not be able to hay or otherwise disturb the ground during the lease period.

Cooperative agreements are negotiated between the Service and other government agencies, conservation groups, or individuals. An agreement usually specifies a particular management action or activity the landowner will do, or not do, with his or her property. For example, a simple agreement would be for the landowner to agree to delay hayland mowing until after a certain date to allow ground nesting birds to hatch their young. More comprehensive agreements are possible for such things as wetland or upland restoration, or public access. Agreements are strictly voluntary on the part of the landowner and are not legally binding. As long as a landowner abides by the terms of the agreement, this protection can be effective in meeting certain refuge objectives. Unfortunately, because these agreements are voluntary and can be modified by either party, there is no complete assurance the terms will continue to be met.

Fee-simple acquisition involves acquisition of most or all of the rights to a persons land. There is a total transfer of property with the formal conveyance of a title to the Federal government. While fee acquisition involves most of the rights to a property, certain rights may be withheld or not purchased (water rights, mineral rights, use reservations).

STATE AND LOCAL MECHANISMS

The Iowa Department of Natural Resources (IDNR) restores and preserves land for fish and wildlife resources and public recreation. In Kossuth County the DNR manages 862 acres at four state wildlife management areas and two waterfowl production areas. On occasions, local units of government such as cities, counties, and even school districts restore and manage land for fish, wildlife, recreation, and education. Smith Lake is one such area managed for recreation by the county.

Along with various organizations dedicated to habitat restoration and preservation are incentive programs designed to give private landowners tax relief for many conservation practices they use on their lands. Practices designed to reduce erosion and improve water quality qualify, and expenses related to the restoration of wetlands for water quality and wildlife purposes are typically tax-deductible. Chapter 427.1(36), Iowa Code (Slough Bill) provides for property tax exemptions for landowners that protect wetland habitat. Additional information concerning tax incentives for wildlife habitat improvement on private lands can be obtained by contacting a qualified tax preparer.

PRIVATE MECHANISMS

In recent years, private conservation organizations have been effective in promoting wildlife habitat improvement on private lands. Several of these organizations are national or international in scope, while others are regional or local. Collectively, these organizations are a great source of financial and technical assistance for the private landowner who wishes to improve lands for wildlife. Some of the more popular organizations include The Nature Conservancy, Iowa Natural Heritage Foundation, Conservation Fund, Fish and Wildlife Foundation, Izaak Walton League, Audubon, American Land Conservancy, Trust for Public Lands, Ducks Unlimited, and Pheasants Forever. In addition, there are often local hunting, fishing, and conservation organizations willing to assist private landowners with wildlife habitat improvement projects. Many of these organizations have substantial financial and technical resources and are often a dedicated source of energy for wildlife habitat improvement on both private and public lands.

Summary of Key Federal, State, and Local Mechanisms for Habitat Restoration and Preservation in Iowa

	FEDERAL MECHANISMS	STATE MECHANISMS	LOCAL MECHANISMS
ACQUISITION	<ul style="list-style-type: none"> -Land and Water Conservation Fund -North American Waterfowl Management Plan -Pittman-Robertson and Dingell-Johnson Acts 	<ul style="list-style-type: none"> -Wildlife Habitat Programs -Parks and Recreation Programs -Natural Areas Acquisition Programs 	<ul style="list-style-type: none"> -Critical Habitat Programs -Parks and Open-space Programs -Water Quality Programs -Local Land Trusts
REGULATION	<ul style="list-style-type: none"> -Clean Water Act (Sec 404 and 401) -Consistency under the Coastal Zone Management Act 	<ul style="list-style-type: none"> -Tidal/nontidal Wetlands Regulation -Point and Nonpoint Source Programs -Floodplain Management Programs -Shoreline Management Programs -Endangered Species Protection Programs -Water Rights Programs -State Environmental Policy Acts 	<ul style="list-style-type: none"> -Special Permits -Cluster Zoning and Planned Unit Development -Performance-Based Zoning -Floodplain and Stormwater Management -Subdivision Regulations -Transfer of Development Rights -Large-Lot Zoning -Overlay Zones
PLANNING	<ul style="list-style-type: none"> -Watershed Protection and Flood Prevention Act -Advanced Identification (Sec 404) -Special Area Management Plans -State Comprehensive Outdoor Recreation Plans (SCORPS) 	<ul style="list-style-type: none"> -Statewide Land-use Plans -Special Area Plans -Special Purpose Plans 	<ul style="list-style-type: none"> -Comprehensive Local Land-Use Plans -Floodplain, Watershed, or Wetlands Plans -Zoning and Infrastructure Plans
RESTORATION, CREATION, AND MANAGEMENT	<ul style="list-style-type: none"> -Farm Bill Programs -North American Waterfowl Management Plan -National Coastal Wetlands Conservation Grants -Coastal Zone Management Act 	<ul style="list-style-type: none"> -Wildlife Enhancement Programs -Soil and Water Quality Conservation Programs -Public Land Management 	<ul style="list-style-type: none"> -Public Land Management -Wastewater Treatment Programs -Wildlife Enhancement Programs
INCENTIVES AND DISINCENTIVES	<ul style="list-style-type: none"> -Farm Bill Programs -Coastal Barrier Resources Act -National Flood Insurance Program 	<ul style="list-style-type: none"> -Tax Incentives -Registration Programs 	<ul style="list-style-type: none"> -Tax Incentives -Capital Improvements Programming -Subsidies
TECHNICAL ASSISTANCE, EDUCATION, AND OUTREACH	<ul style="list-style-type: none"> -National Wetlands Inventory -EPA Wetlands Program -State Development Grants 	<ul style="list-style-type: none"> -Local Government Assistance Programs -Landowner Assistance Programs -Environmental Education Curricula 	<ul style="list-style-type: none"> -Environmental Awareness Programs -Landowner Assistance Programs